

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

**NOTICE OF HEARING AND MOTION FOR AN ORDER
AUTHORIZING SALE OF ASSETS FREE AND CLEAR OF LIENS**

Parties specified in Local Rule 9013-3.

1. Randall L. Seaver, the duly-appointed Chapter 7 Trustee in the above-referenced bankruptcy case ("**Trustee**"), moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion on January 27, 2010 at 2:00 p.m. before the Honorable Robert J. Kressel in Courtroom 8 West, 300 South Fourth Street, Minneapolis, Minnesota 55415, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and delivered no later than January 22, 2010 which is five (5) days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Rule 5005 of the Federal Rules of Bankruptcy Procedure, and Local Rules 1070-1 and 1073-1. This is a core proceeding. This case was commenced as a voluntary Chapter 7 proceeding on June 4, 2009. The case is now pending before this Court.

5. This Motion arises under 11 U.S.C. §363(b) and (f) and Bankruptcy Rule 6004. The Trustee seeks to sell nonexempt property of the estate to The Lake Bank. More specifically, the Trustee seeks to sell to The Lake Bank the property listed on the attached Exhibit A, all of which property is located in the three condominium units at 1761 Silver Cliffs Road, 1759 Silver Cliffs Road, and at 1818 Silver Cliffs Road, Two Harbors, Minnesota 55616, together with all other personal property of the Debtor's estate located thereon (collectively, the “**Property**”).

6. The Property will be sold to The Lake Bank for the sum of \$34,000.00, which amount, based upon the Trustee's investigation, is a fair and reasonable price.

7. The Trustee does not believe that any party holds a perfected non-avoidable security interest in the Property. Tamitha Hecker, the Debtor's spouse, may claim an interest in the Property on behalf of herself and her children. However, the sale will be free and clear of any interests, liens, charges, claims, pledges and security interests and other encumbrances (collectively, “**Encumbrances**”). The interests, if any, of any purported secured creditors or Tamitha Hecker in the Property will attach to the sale proceeds with the same dignity and priority as those held at the commencement of this case.

8. Prior to the hearing on this Motion, the Trustee will entertain bids for the Property that exceed The Lake Bank's offer. However, any higher offer would have to include removal of the Property from the condominiums at 1761 Silver Cliffs Road, 1759 Silver Cliffs Road, and at 1818 Silver Cliffs Road, Two Harbors, Minnesota 55616, without damage to The Lake Bank's other collateral. The Trustee will inform The Lake Bank if he receives any offer that he considers to be a higher and better offer, and The Lake Bank will have an opportunity, at its sole discretion, to submit another bid for the Property.

9. Pursuant to Local Rule 9013-2(c), the Trustee gives notice that he may, if necessary, testify at the hearing regarding the proposed sale.

WHEREFORE, the Trustee moves the court for an order as follows:

1. Authorizing the sale of the Property to The Lake Bank for the sum of \$34,000.00 free and clear of any Encumbrances, with the claimed liens of any claimed secured parties attaching to the sale proceeds with the same dignity and priority as those claimed liens held at the commencement of this case.

2. Authorizing the sale of the Property to any other higher bidder on the terms contemplated herein and such terms as are acceptable to the Trustee.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: January 6, 2010

By _____
Matthew R. Burton, #210018
Attorneys for Randall L. Seaver, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, Trustee of the Bankruptcy Estate of Dennis E. Hecker, the moving party named in the foregoing Notice of Hearing and Motion for an Order Authorizing Sale of Assets Free and Clear of Liens, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: January 6, 2010

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

414292

EXHIBIT A

1761 Silver Cliff Road

- Brown leather chair
- Gray office chair
- Barley twist legged desk
- Table lamp on above
- End table
- Lake Superior map
- Nautical prints, pair
- Globe and stand
- Approx. LG 20 inch flat screen TV
- Dining table and 6 chairs, 4 mates, 2 captains
- Matching sideboard
- Oil painting
- Bar stools (4)
- Approx. 6 ft. x 9 ft. area rugs (2)
- Misc. décor
- Misc. kitchen
- Misc. small appliances
- Misc. décor in kitchen
- Approx. 9 ft. x 12 ft. area rug
- Sofa and loveseat
- Coffee table
- Upholstered chairs, gold's and brown's, pair
- Round table lamp
- Lamp table, caramel colored
- Matching floor lamp
- Denon AVR-689 home theater receiver
- Phillips DVD player
- Faux plants (2)
- Black cube shelf
- Framed photos, pair
- Sony Bravia approx. 42 inch flat screen TV
- Misc. décor
- Misc. décor in pantry
- Sterling and Noble wall clock
- Sony wireless headphone, new (2)
- Misc. linens
- King size bed, complete
- Large mirror
- Orange retro chairs, pair
- 5 drawer chest
- End tables, pair
- Toshiba approx. 22 inch flat screen TV and DVD combo
- Acoustic Research surge protector
- Sofa Table
- Misc. linens
- Upholstered bench
- Misc. towels
- Hall mirror
- Misc. décor
- Wall sconce
- Mirror with hooks
- Framed print
- Hall shelf unit
- Hall umbrella stand
- Rag rugs (4)
- Bathroom round mirror
- Misc. décor
- Kenmore stainless steel, side by side refrigerator
- Kenmore stainless steel ice maker
- Kenmore stainless steel dishwasher
- G.E. Profile stainless steel electric range
- Kenmore HE2 front loading washer and dryer
- Step stool
- Misc. in closet
- Painting
- Lake Superior map, Feet and Phantoms
- Round mirror, upstairs bath
- Misc. linens
- Toshiba approx. 22 inch flat screen TV and DVD combo
- 8 drawer chest
- Sleigh type day beds (2)
- Shag rug
- King size bed complete
- Faux tree

- Chairs (brown's colors) (2)
- Patio furniture, balcony
- Table lamp
- Toshiba approx. 22 inch flat screen TV and DVD combo
- Floor lamp
- Framed print
- Misc. yard tools
- Echo PB-265L gas leaf blower
- Utility shelf units, plastic (4)
- Misc. on shelf
- Sportscraft ping pong table
- Patio table and 4 chairs
- Chaise lounge (2)
- Patio, round table (2)
- Patio, teak chairs (2)

1759 Silver Cliff Road

- Faux tree
- Pine framed mirrors (2)
- Recliners, tapestry (2)
- Approx. 6 ft. x 9 ft. area rug
- Misc. décor
- Framed sailing prints, pair
- Dinette table and 6 chairs
- Bar stools, wooden (4)
- Large mirror
- Sofa table
- Décor, plastic
- Leather sofa and love seat
- Leather chair and ottoman
- Round coffee table and end tables
- Approx. 9 ft. x 12 ft. area rug
- Approx. 42 inch LG flat screen TV
- Denon AVR-689 home theater receiver
- Serpentine shelf unit
- Misc. décor
- Table lamp "wicker"
- Floor lamp
- Kenmore stainless steel side by side refrigerator
- G.E. profile stainless steel electric range
- Kenmore stainless dishwasher
- Misc. kitchen
- Misc. small appliances
- Misc. décor
- Hallway framed print
- Queen size "sleigh" bed complete
- End tables, pair
- 8 drawer chest
- Approx. 20 inch LG flat screen TV
- Framed prints, pair
- Misc. linens
- Kenmore HE2 washer and dryer
- Beveled mirror in closet
- Bench in entry
- Misc. patio furniture
- Misc. small appliances
- Chromed framed mirror
- Misc. décor
- Tin framed mirror in bath
- Approx. 20 inch LG flat screen TV
- Framed print
- Queen size bed, padded headboard, complete
- End table
- Leopard fabric chairs, pair
- Sleigh day bed (2)
- 6 drawer chest
- Round rug
- 2 drawer end tables
- Approx. 20 inch LG flat screen TV
- Floor Lamp

1818 Silver Cliff Road

- Computer desk
- Approx. 7 ft. x 9 ft. area rug
- Beveled mirror
- Barrel back arm chair
- Sharp flat screen TV, analog
- Drop leaf dinette table and 4 chairs
- Stripped upholstered chairs (2)
- Approx. 8 ft. x 10 ft. area rug
- Tan "suede" sofa and chair
- Rust coffee/ottoman
- Approx. 7 ft. x 9 ft. area rug
- Balloon back arm chairs (2)
- Floor lamp
- Table lamp
- Approx. 42 inch HP flat screen TV
- Denon AVR-1706 home theater receiver
- Denon DVD-1702 DVD player
- Framed print "Trees"
- Beveled mirrors (2)
- Bar stools, leatherette (4)
- Kenmore stainless steel dishwasher
- Kenmore smooth top electric stove, free standing
- Kenmore stainless steel side by side refrigerator
- Misc. kitchen
- Misc. small appliances
- Misc. kitchen décor
- Beveled mirror, "wired"
- Arts and craft 5 drawer chest
- Queen size Arts and Craft bed, complete
- Framed print
- Shelf unit
- Stripped armless chair
- Sharp flat screen TV approx. 16 inch, analog
- Misc. towels
- Misc. décor
- Table lamp
- Framed photos, pair, trees
- Framed photos, pair, pine cones
- Kenmore series 80 top load washer and dryer
- Round mirror
- Wall coat hook
- Print in entry way
- Misc. patio furniture
- Insignia approx. 22 inch flat screen TV
- Computer desk with top hutch
- Single beds, complete (2)
- 5 drawer chest
- Sharp flat screen TV, small
- Murphy bed with side shelf, complete
- Gray upholstered chairs (2)
- Kenmore student refrigerator
- Round rug, bath
- Large mirror, bath
- Misc. towels
- Weber Genesis gas grill
- Misc. teak patio furniture

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2010, I caused the following documents:

Notice of Hearing and Motion for an Order Authorizing Sale of Assets Free and Clear of Liens and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

SEE ATTACHED SERVICE LIST

Dated: January 6, 2010

/e/ Stephanie Wood

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

UNITED STATES RENT A CAR
4744 PARADISE ROAD
LAS VEGAS,, NV 89121

ACE INSURANCE COMPANY
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CLEVELAND OH 44101

ALDRIDGE, DAN
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MINNEAPOLIS MN 55405

ALLEN EIDE
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SUITE 900
GRAND FORKS ND 58201

AMERICAN BANK
1060 DAKOTA DRIVE
MENDOTA HEIGHTS MN 55120

AMERICAN EXPRESS
P. O. BOX 0001
LOS ANGELES CA 90096

AMERICAN NAT'L BANK OF MN
7638 WOIDA RD
BAXTER MN 56425

ANCHOR BANK
1570 CONCORDIA AVE
SAINT PAUL MN 55104

ANCHOR BANK
P.O. BOX 7933
MADISON WI 53707

AV CARD/OASIS
164 LAKE FRONT DR
COCKEYSVILLE MD 21030

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GRAND ISLAND NE 68802

AXLE CAPITAL, LLC / SAGECREST
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GREENWICH CT 06830

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LAS VEGAS NV 89109

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NORWOOD YOUNG AMERICA MN
55368

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633 SOUTH CONCORD STREET,
SUITE 350
SOUTH ST. PAUL MN 55075

BRIGGS & MORGAN PA
2200 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS MN 55402

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36448 CTY RD 66
CROSSLAKE MN 56442

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SACRAMENTO CA 94279-7072

CA DEPT OF MOTOR VEHICLES
PO BOX 942869
SACRAMENTO CA 94269-0001

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ASPEN CO 81611

CITY OF BAYPORT
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BAYPORT MN 55003

CITY OF MEDINA
2052 CO RD 24
HAMEL MN 55340

COMMUNITY NATIONAL BANK
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VADNAIS HEIGHTS MN 55127

D&H DOCKS
23624 SMILEY ROAD
NISSWA, MN 56468

COOPERATIVE POWER
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TWO HARBORS MN 55616

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2627 SOUTH UNIVERSITY
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600
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3 CAPITAL DRIVE
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HENNEPIN COUNTY TREASURER
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MINNEAPOLIS MN 55487

HOLY CROSS ENERGY
3799 HWY 82
GLENWOOD SPRINGS CO 81602

HOME FEDERAL SAVINGS BANK
1016 CIVIC CENTER DR NW
STE 300
ROCHESTER MN 55903

HSBC BANK NEVADA NA
BASS & ASSOCIATES, PC
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LOAN ADJUSTMENT GROUP
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MINNEAPOLIS MN 55402

WELLS FEDERAL BANK
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CHICAGO, IL 60606

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

**ORDER AUTHORIZING SALE OF ASSETS OF
DEBTOR FREE AND CLEAR OF INTERESTS**

This case is before the court on the motion of Randall L. Seaver, trustee seeking an order authorizing a sale of assets free and clear of interests.

Based on the motion and the file,

It is ordered:

1. The trustee is authorized to sell the property listed as follows:
 - a. Property located at 1761 Silver Cliff Road, Two Harbors, Minnesota:

Brown leather chair, Gray office chair, Barley twist legged desk, Table lamp on above, End table, Lake Superior map, Nautical prints, pair, Globe and stand, Approx. LG 20 inch flat screen TV, Dining table and 6 chairs, 4 mates, 2 captains, Matching sideboard, Oil painting, Bar stools (4), Approx. 6 ft. x 9 ft. area rugs (2), Misc. décor, Misc. kitchen, Misc. small appliances, Misc. décor in kitchen, Approx. 9 ft. x 12 ft. area rug, Sofa and loveseat, Coffee table, Upholstered chairs, gold's and brown's, pair, Round table lamp, Lamp table, caramel colored, Matching floor lamp, Denon AVR-689 home theater receiver, Phillips DVD player, Faux plants (2), Black cube shelf, Framed photos, pair, Sony Bravia approx. 42 inch flat screen TV, Misc. décor, Misc. décor in pantry, Sterling and Noble wall clock, Sony wireless headphone, new (2), Misc. linens, King size bed, complete, Large mirror, Orange retro chairs, pair, 5 drawer chest, End tables, pair, Toshiba approx. 22 inch flat screen TV and DVD combo, Acoustic Research surge protector, Sofa Table, Misc. linens, Upholstered bench, Misc. towels, Hall mirror, Misc. décor, Wall sconce, Mirror with hooks, Framed print, Hall shelf unit, Hall umbrella stand, Rag rugs (4), Bathroom round mirror, Misc. décor, Kenmore stainless steel, side by side refrigerator, Kenmore stainless steel ice maker, Kenmore stainless steel dishwasher, G.E. Profile stainless steel electric range, Kenmore HE2 front loading washer and dryer, Step stool, Misc. in closet, Painting, Lake Superior map, Feet and Phantoms, Round mirror, upstairs bath, Misc. linens, Toshiba approx. 22 inch flat screen TV and DVD combo, 8 drawer chest, Sleigh type day beds (2), Shag rug, King size

bed complete, Faux tree, Chairs (brown's colors) (2), Patio furniture, balcony, Table lamp, Toshiba approx. 22 inch flat screen TV and DVD combo, Floor lamp, Framed print, Misc. yard tools, Echo PB-265L gas leaf blower, Utility shelf units, plastic (4), Misc. on shelf, Sportsraft ping pong table, Patio table and 4 chairs, Chaise lounge (2), Patio, round table (2) and Patio, teak chairs (2);

b. Property located at 1759 Silver Cliff Road, Two Harbors, Minnesota:

Faux tree, Pine framed mirrors (2), Recliners, tapestry (2), Approx. 6 ft. x 9 ft. area rug, Misc. décor, Framed sailing prints, pair, Dinette table and 6 chairs, Bar stools, wooden (4), Large mirror, Sofa table, Décor, plastic, Leather sofa and love seat, Leather chair and ottoman, Round coffee table and end tables, Approx. 9 ft. x 12 ft. area rug, Approx. 42 inch LG flat screen TV, Denon AVR-689 home theater receiver, Serpentine shelf unit, Misc. décor, Table lamp "wicker", Floor lamp, Kenmore stainless steel side by side refrigerator, G.E. profile stainless steel electric range, Kenmore stainless dishwasher, Misc. kitchen, Misc. small appliances, Misc. décor, Hallway framed print, Queen size "sleigh" bed complete, End tables, pair, 8 drawer chest, Approx. 20 inch LG flat screen TV, Framed prints, pair, Misc. linens, Kenmore HE2 washer and dryer, Beveled mirror in closet, Bench in entry, Misc. patio furniture, Misc. small appliances, Chromed framed mirror, Misc. décor, Tin framed mirror in bath, Approx. 20 inch LG flat screen TV, Framed print, Queen size bed, padded headboard, complete, End table, Leopard fabric chairs, pair, Sleigh day bed (2), 6 drawer chest, Round rug, 2 drawer end tables, Approx. 20 inch LG flat screen TV and Floor Lamp; and

c. Property located at 1818 Silver Cliff Road, Two Harbors, Minnesota

Computer desk, Approx. 7 ft. x 9 ft. area rug, Beveled mirror, Barrel back arm chair, Sharp flat screen TV, analog, Drop leaf dinette table and 4 chairs, Stripped upholstered chairs (2), Approx. 8 ft. x 10 ft. area rug, Tan "suede" sofa and chair, Rust coffee/ottoman, Approx. 7 ft. x 9 ft. area rug, Balloon back arm chairs (2), Floor lamp, Table lamp, Approx. 42 inch HP flat screen TV, Denon AVR-1706 home theater receiver, Denon DVD-1702 DVD player, Framed print "Trees", Beveled mirrors (2), Bar stools, leatherette (4), Kenmore stainless steel dishwasher, Kenmore smooth top electric stove, free standing, Kenmore stainless steel side by side refrigerator, Misc. kitchen, Misc. small appliances, Misc. kitchen décor, Beveled mirror, "wired", Arts and craft 5 drawer chest, Queen size Arts and Craft bed, complete, Framed print, Shelf unit, Stripped armless chair, Sharp flat screen TV approx. 16 inch, analog, Misc. towels, Misc. décor, Table lamp, Framed photos, pair, trees, Framed photos, pair, pine cones, Kenmore series 80 top load washer and dryer, Round mirror, Wall coat hook, Print in entry way, Misc. patio furniture, Insignia approx. 22 inch flat screen TV, Computer desk with top hutch, Single beds, complete (2), 5 drawer chest, Sharp flat screen TV, small, Murphy bed with side shelf, complete, Gray upholstered chairs (2), Kenmore student refrigerator, Round rug, bath, Large mirror, bath, Misc. towels, Weber Genesis gas grill and Misc. teak patio furniture.

to The Lake Bank for the sum of \$34,000.00 free and clear of all interests, liens, charges, claims, pledges, security interests and other encumbrances, with the claimed interests, liens, claims, charges, pledges, security interests and encumbrances of any party attaching to the sale proceeds with the same dignity and priority as those claimed liens or interests held at the commencement of this case.

2. The property shall be sold free and clear of all interests, liens, claims, charges, pledges, security interests and encumbrances in such property pursuant to 11 U.S.C. §363(a), (b) and (f) with such interests, liens, claims, charges, pledges, security interests and encumbrances, if any, attaching to the proceeds of sale with the same priority, dignity and effect as such interests existed pre-petition.

3. The proceeds shall be deposited in the trustee's account and held subject to further order of the court.

Dated: _____

Robert J. Kressel
United States Bankruptcy Judge

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